

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,512	CONFORTI, CARL J.	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed on september 07, 2004.
2.  The allowed claim(s) is/are 19-27,29-33 and 35-39.
3.  The drawings filed on 02 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION****EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Conforti on September 16, 2004.

In the specification: "illuminiscent" in page 5 line 2 has been replaced with  
-luminescent--,

"led 54" in page 8, lines 31, 36, 41, 42 has been replaced with -LED 54—

Claims 1-18 have been canceled.

Claim 19: "illuminateing" in line 10 has been replaced with -illuminating--.

Claim 27 has been replaced with: --A temperature measuring device comprising: a housing including a main portion configured to be grasped by a person; a temperature probe retained by the housing and configured to sense temperature, the probe extending from the main portion of the housing in a configuration for insertion onto a surface area of a patient's body where a desired body temperature is to be measured; and a strip of thin, flexible material coupled to the housing and configured to cover at least a portion of the temperature probe configured to be in contact with the patient, and where the dispensing mechanism is coupled to the housing and said material is configured to dispense and cover at least a portion of the temperature probe for a plurality of times

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wherein the roll is selectively marked with an ink on at least portion of the material to identify a location of a start, end or index measure of the material--.

Claim 30 has been replaced with: --The device of claim 27 wherein the housing comprises a light source coupled to the housing and configured to provide visible light in a vicinity externally in front of and behind a tip of the probe--.

Claim 33: has been replaced with --A temperature measuring device comprising: a housing including a main portion configured to be grasped by a person; a temperature probe retained by the housing and configured to sense temperature, the probe extending from the main portion of the housing in a configuration for insertion onto a surface area of a patient's body where a desired body temperature is to be measured; and a strip of thin, flexible material coupled to the housing and configured to cover at least a portion of the temperature probe configured to be in contact with the patient, and where the dispensing mechanism is coupled to the housing and said material is configured to dispense and cover at least a portion of the temperature probe for a plurality of times wherein said material comprises a roll of material disposed inside of the housing and wherein the housing provides means to allow dispensing of the material to the temperature probe--.

Claim 34 has been canceled.

Claim 39 has been added:

39. (Added) A temperature measuring device comprising:  
a housing including a main portion configured to be grasped by a person;  
a temperature probe attached to the housing and configured to sense temperature, the  
probe extending from the housing in a configuration for insertion into onto a surface area of a  
patient's body where the desired body temperature is to be measured; and  
a light source attached to the housing and configured to provide visible light in a vicinity  
of the probe;  
wherein the light source is configured to be activated by an independent switch;  
wherein the light source is configured to provide visible light external to the housing,  
externally illuminating a region in front of and behind the tip of the probe outside the housing to  
provide a means for a person taking temperature measure to position the probe to a desired  
location on the patients body.

**Conclusion**

2. The prior art made of record and not relied upon is considered pertinent  
to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned  
above disclose related devices and methods.

Any inquiry concerning this communication should be directed to the  
Examiner Verbitsky who can be reached at (571) 272-2253 Monday through  
Friday 8:00 to 4:00 ET.

GKV

*G. Verbitsky*  
Gail Verbitsky  
Primary Patent Examiner, TC 2800

September 16, 2004